

AMENDED IN ASSEMBLY AUGUST 23, 2004

AMENDED IN ASSEMBLY JUNE 16, 2004

SENATE BILL

No. 1545

Introduced by Senator Figueroa

February 19, 2004

~~An act to amend Sections 18602, 18613, 18627, and 18640 of the Business and Professions Code, relating to the State Athletic Commission. An act to add Sections 12439.5 and 16321 to the Government Code, relating to state offices.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1545, as amended, Figueroa. ~~State Athletic Commission~~
Boards: Department of Consumer Affairs.

(1) Existing law provides for the establishment and funding of various boards under the jurisdiction of the Department of Consumer Affairs, and establishes the Division of Investigation in the department.

Existing law requires, with certain exceptions, the Controller to abolish any state position that is vacant for 6 monthly pay periods. The Director of Finance may authorize the reestablishment of any positions abolished by the Controller pursuant to these provisions under specified conditions.

The Budget Act of 2003 provides for the abolishment of a specified number of permanent positions from departments including all boards and commissions of the state, as determined by the Director of Finance, which may include vacant positions abolished by the Controller as described above. The act authorizes the Department of Finance to reestablish any position eliminated as a result of these provisions, or

reduce the total number of positions to be abolished, under specified circumstances.

This bill would provide that any position on a board, that was abolished pursuant to these provisions prior to January 1, 2004, shall be reestablished to the extent that non-General Fund moneys are available for that purpose. It would also require the Director of Consumer Affairs to provide to the Legislature information on all staff and appointment vacancies for boards abolished under these provisions, within 30 days of receiving the Legislature's request for that information.

The bill would prohibit the Director of Finance from refusing to authorize the filling of a vacancy in any staff position on a board under the jurisdiction of that department or in the division unless the Director of Finance has made a finding based upon substantial evidence that there are insufficient non-General Fund resources to fill the position.

(2) Pursuant to existing law, the civil administration of the laws of the state is vested in the Governor, who is required to supervise the official conduct of all executive and ministerial officers and to see that all offices are filled and their duties performed.

This bill would specify that the provisions of specified executive orders of the Governor with respect to the hiring of state employees shall not apply to any board under the jurisdiction of the Department of Consumer Affairs nor to the Division of Investigation within the department.

(3) Existing law provides that moneys may be loaned from one state fund or account to other state funds or accounts, subject to specified conditions.

This bill would prohibit non-General Fund moneys deposited in any fund supporting a board under the jurisdiction of the Department of Consumer Affairs from being loaned to, or being used to secure a loan to, the General Fund. It would require the Director of Finance to provide a schedule for all loans of funds supporting boards under the jurisdiction of the Department of Consumer Affairs to the General Fund, which are required to be repaid in full.

~~Existing law, the Boxing Act, establishes the State Athletic Commission in the Department of Consumer Affairs and specifies the membership of the commission. Existing law requires the commission to appoint an executive officer and fix his or her compensation. Existing law also authorizes the commission to employ other personnel as~~



necessary. Existing law provides for these provisions to become inoperative on July 1, 2005, and repealed on January 1, 2006.

This bill would delete the dates on which these provisions are to become inoperative and repealed and would instead provide that they are to become inoperative on July 1, 2006, and repealed on January 1, 2007.

Existing law, the Boxing Act, provides for the regulation by the commission of boxing, kickboxing, and martial arts contests, matches, and exhibitions conducted, held, or given within California. Existing law defines the term “martial arts” for the purposes of the act.

This bill would revise the definition of the term “martial arts” to also mean any combination of full contact martial arts, including mixed martial arts.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—Section 18602 of the Business and Professions~~
- 2 *SECTION 1. Section 12439.5 is added to the Government*
- 3 *Code, to read:*
- 4 *12439.5. (a) (1) Any position on a board, that was abolished*
- 5 *pursuant to Section 4.10 of the Budget Act of 2003 or pursuant to*
- 6 *Section 12439 prior to January 1, 2004, shall be reestablished to*
- 7 *the extent that non-General Fund moneys are available for that*
- 8 *purpose.*
- 9 *(2) The Director of Finance shall not refuse to reestablish a*
- 10 *position abolished as described in paragraph (1) or pursuant to his*
- 11 *or her own action, or to authorize the filling of a vacancy in any*
- 12 *staff position on a board unless the director has made a finding*
- 13 *based upon substantial evidence that there are insufficient*
- 14 *non-General Fund resources to fill the position.*
- 15 *(b) The Director of Consumer Affairs shall provide to the*
- 16 *Legislature information on all staff and appointment vacancies for*
- 17 *boards within 30 days of receiving the Legislature’s request for that*
- 18 *information.*
- 19 *(c) The provisions of Executive Order D-70-03, Executive*
- 20 *Order D-71-03, and Executive Order S-3-03 shall not apply to any*
- 21 *board under the jurisdiction of the Department of Consumer*
- 22 *Affairs, nor to the Division of Investigation within the department.*

1 SEC. 2. Section 16321 is added to the Government Code, to
2 read:

3 16321. (a) Notwithstanding any other provision of law, no
4 non-General Fund moneys deposited in any fund or account
5 supporting a board under the jurisdiction of the Department of
6 Consumer Affairs may be loaned to, or used to secure a loan to, the
7 General Fund.

8 (b) The Director of Finance shall provide a schedule for all
9 loans of funds supporting boards under the jurisdiction of the
10 Department of Consumer Affairs to the General Fund, which are
11 required to be repaid in full.

12 Code is amended to read:

13 ~~18602. —Except as provided in this section, there is in the~~
14 ~~Department of Consumer Affairs the State Athletic Commission,~~
15 ~~which consists of eight members. Six members shall be appointed~~
16 ~~by the Governor, one member shall be appointed by the Senate~~
17 ~~Rules Committee, and one member shall be appointed by the~~
18 ~~Speaker of the Assembly.~~

19 ~~The members of the commission appointed by the Governor are~~
20 ~~subject to confirmation by the Senate pursuant to Section 1322 of~~
21 ~~the Government Code.~~

22 ~~No person who is licensed under this chapter as a promoter,~~
23 ~~manager, or judge may be appointed or reappointed to, or serve on,~~
24 ~~the commission.~~

25 ~~Upon the first expiration of the term of a member appointed by~~
26 ~~the Governor, the commission shall be reduced to seven members.~~
27 ~~Notwithstanding any provision of law, the term of that member~~
28 ~~shall not be extended for any reason.~~

29 ~~This section shall become inoperative on July 1, 2006, and as of~~
30 ~~January 1, 2007, is repealed, unless a later enacted statute, which~~
31 ~~becomes operative on or before January 1, 2007, deletes or extends~~
32 ~~the dates on which it becomes inoperative and is repealed. The~~
33 ~~repeal of this section renders the commission subject to the review~~
34 ~~required by Division 1.2 (commencing with Section 473).~~

35 SEC. 2. Section 18613 of the Business and Professions Code
36 is amended to read:

37 18613. The commission shall appoint an executive officer and
38 fix his or her compensation. The executive officer shall carry out
39 the duties prescribed by this chapter and additional duties as may
40 be delegated by the commission. The commission may employ in

1 accordance with Section 154 other personnel as may be necessary
2 for the administration of this chapter.

3 This section shall become inoperative on July 1, 2006, and, as
4 of January 1, 2007, is repealed, unless a later enacted statute,
5 which becomes effective on or before January 1, 2007, deletes or
6 extends the dates on which it becomes inoperative and is repealed.

7 SEC. 3.—Section 18627 of the Business and Professions Code
8 is amended to read:

9 18627. (a) “Martial arts” means any form of karate, kung fu,
10 tae kwon-do, kickboxing or any combination of full contact
11 martial arts, including mixed martial arts, or self-defense
12 conducted on a full contact basis where a weapon is not used.

13 (b) “Kickboxing” means any form of boxing in which blows
14 are delivered with the hand and any part of the leg below the hip,
15 including the foot.

16 (c) “Full contact” means the use of full unrestrained physical
17 force in a martial arts contest.

18 (d) “Light contact” means the use of controlled martial arts
19 techniques whereby contact to the body is permitted in a restrained
20 manner, no contact to the face is permitted, and no contact is
21 permitted which may result or is intended to result in physical
22 harm to the opponent.

23 (e) “Nonecontact” means that no contact occurs between either
24 contestant.

25 SEC. 4.—Section 18640 of the Business and Professions Code
26 is amended to read:

27 18640. The commission has the sole direction, management,
28 control of, and jurisdiction over all professional and amateur
29 boxing, professional and amateur kickboxing, all forms and
30 combinations of forms of full contact martial arts contests,
31 including mixed martial arts, and matches or exhibitions
32 conducted, held, or given within this state. No event shall take
33 place without the prior approval of the commission. No person
34 shall engage in the promotion of, or participate in, a boxing or
35 martial arts contest, match, or exhibition without a license, and
36 except in accordance with this chapter and the rules adopted
37 hereunder.